

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

STEPHEN D. POWELL,
Plaintiff,

v.

CITY OF BOSTON, LEROY PEEPLES,
TALIA WRIGHT-RIVERA, and
WASCAR CASTILLO,
Defendants.

C.A. No. 21-cv-12093

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§1331, 1441 and 1446, defendants City of Boston (the “City”)¹, Leroy Peeples, Talia Wright-Rivera, and Wascar Castillo file this Notice of Removal of the above-captioned case from the Superior Court Department of the Trial Court of the Commonwealth of Massachusetts, Suffolk County, to the United States District Court for the District of Massachusetts. In support of this notice of removal, the City states as follows:

CASE BACKGROUND AND GROUNDS FOR REMOVAL

1. On November 2, 2021, the plaintiff commenced a civil action in the Suffolk Superior Court against the Defendants, styled *Stephen D. Powell v. City of Boston et al.*, Civil Action. No. 2184CV02505 (the “State Court Action”). Plaintiff’s complaint asserts sixteen (16) counts against four defendants – the City of Boston, co-defendant Leeroy (sic) Peeples, co-defendant Talia Wright-Rivera, and co-defendant Wascar Castillo.

2. Plaintiff’s second count asserts a federal claim against all defendants for

¹ Plaintiff specifically names City of Boston–SOAR Boston in their complaint. SOAR Boston is part of a department of the City of Boston therefore, the Defendant will be treated as the City of Boston.

discrimination under 42 U.S.C. § 2000e-2(a)1.

3. Plaintiff's third count asserts a federal claim against all defendants for discrimination under 29 U.S.C. § 621 et seq.

4. Plaintiff's sixth count asserts a federal claim against all defendants for "failure to accommodate plaintiff's disability" under 42 U.S.C. § 12111.

5. Plaintiff's eighth count asserts a federal claim against all defendants for retaliation under 42 U.S.C. § 2000e-3(a).

6. As required by 28 U.S.C. §1446(a), attached as **Exhibit A** are copies of all process, pleadings and orders served upon the City in the State Court Action. The Notice of Removal is timely. Service of Plaintiff's complaint was made on Talia Wright-Rivera and Wascar Castillo on December 10, 2021 while service was made on Leroy Peeples on December 13, 2021. As of the date of this filing, the City has not been served with Plaintiff's complaint. This Notice of Removal was filed prior to the expiration of 30 days from the date of service. *See* 28 U.S.C. §1446(b)(1); *Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344 (1999).

7. This Court has federal question subject matter jurisdiction over this matter pursuant to 28 U.S.C. § 1331 as the civil action arises under Chapter 42 of the United States Code.

8. Venue is proper in this Court pursuant to 28 U.S.C.A. §1441(a) because the State Court Action is pending in Massachusetts.

9. All defendants who are known to have been served, have consented, as required by 28 U.S.C. 1446(b)(2)(A), to the removal of this action to the United States District Court for the District of Massachusetts.

10. This Notice of Removal has been served on Plaintiff's counsel. A Notice of Filing of Notice of Removal (attached as **Exhibit B**) will be filed in the Suffolk Superior Court upon

filing of this Notice of Removal.

WHEREFORE, the City hereby removes the above-captioned case from the Superior Court Department of the Trial Court for the Commonwealth of Massachusetts (Suffolk) and requests that further proceedings be conducted in this Court as provided by law.

Date: December 20, 2021

Respectfully submitted,

**CITY OF BOSTON,
LEROY PEEPLES,
TALIA WRIGHT-RIVERA, and
WASCAR CASTILLO,**

By its attorneys:

ADAM CEDERBAUM
Corporation Counsel

/s/ Randall Maas
Erika Reis (BBO# 669930)
Senior Assistant Corporation Counsel
Randall Maas (BBO# 684832)
Assistant Corporation Counsel
City of Boston Law Department
City Hall, Room 615
Boston, MA 02201
(617) 635-4031 (Reis)
(617) 635-4041 (Maas)
Erika.Reis@boston.gov
Randall.Maas@boston.gov

Certificate of Service

I, Randall Maas hereby certify that on December 20, 2021, a true and correct copy of this document filed through the ECF system will be sent by email to counsel for the plaintiff, Janet Ruggieri.

/s/ Randall Maas
Randall Maas